

REGULAR MEETING

APRIL 16, 1998

The Ashland Board of Commissioners met in Regular Session in the Commission Chambers, City Building, Ashland, Kentucky, on Thursday, April 16, 1998, at the hour of 7:00 PM. Those present were Commissioners: Norman "Dutch" Berry, Kevin Gunderson, Michael Stewart, Paul Reeves and Mayor A. R. Dunnigan, who presided. Also present were: William H. Fisher, Jr., City Manager; Richard W. Martin, Corporation Counsel; Kevin P. Sinnette, Assistant Corporation Counsel; Deborah D. Musser, City Clerk; Gary Watts, Fire Chief; Ronald W. McBride, Chief of Police; Tony Grubb, Finance Director; Amanda Sinnette, Economic Development Director; Mike Rogers, Mass Transit Superintendent; Marion Russell, Acting Director of Public Services; Kathy Ulincy, Department of Planning and Community Development; Bruce Craft, Recreation Division and Reporters.

The Invocation was given by Commissioner Stewart.

The Pledge of Allegiance was conducted.

AGENDA

City Manager Fisher presented the agenda of April 16, 1998. Motion was made by Stewart, seconded by Reeves, to receive and file the agenda. Upon roll call, voting aye were Commissioners Berry, Reeves, Gunderson, Stewart and Mayor Dunnigan. Nay - none. Motion passed.

MINUTES

Motion was made by Stewart, seconded by Reeves, to dispense with the reading and approve the minutes of the Regular Meetings held on January 6, January 15, February 5, February 19 and March 5, 1998; the Called Meeting held on January 22, 1998 and the Recessed Meeting held on March 11, 1998. Upon roll call, voting aye were Commissioners Berry, Reeves, Gunderson, Stewart and Mayor Dunnigan. Nay - none. Motion passed.

HEARINGS AND REPORTS

City Manager's Report - Clean up and maintenance is being completed on the City Building. A report is being prepared on other items needing to be done. The asbestos removal has begun on the former Fire Department property.

PUBLIC PARTICIPATION

John Frisby, owner of Breezeland Swim Club located on Roberts Drive, presented a report on the facility's value and improvements completed there. Due to health reasons, he is unable to open the facility for the summer season. The current asking price is \$650,000. The report will be placed in the Mayor's office and available for review. Purchase can be discussed during budget review.

Christine Steinbrener appeared before the Commission to request consideration for providing a dog run. She explained that she formerly lived in Lexington, Kentucky where such a facility is located at Jacobson Park. The City owns property adjacent to the boat ramp which could be fenced and there is already lighting and parking available. A report will be prepared for Commission review as part of the budget review.

REGULAR MEETING APRIL 16, 1998
ORDINANCE NO. 40, 1998

ORDINANCE NO. 40, 1998

SECOND AN ORDINANCE OF THE CITY OF ASHLAND,
READING KENTUCKY, AMENDING THE CONSOLIDATED PLAN
AND OF THE CITY OF ASHLAND, KENTUCKY.
FINAL
ADOPTION

* * * * *

BE IT ORDAINED BY THE CITY OF ASHLAND, KENTUCKY:

SECTION 1. That "The Consolidated Plan of The City of Ashland, Kentucky" as adopted by Ordinance No. 43, Series of 1995, is hereby amended. This Plan is the CDBG program of operation. Said Plan amendment is attached hereto and made a part hereof by reference.

SECTION 2. That A. R. Dunnigan, Mayor of the City of Ashland, is hereby authorized to execute any document as may be required by HUD in the processing of grant monies as may be necessary for the implementation of this amended Plan.

SECTION 3. All ordinances of the City of Ashland and any parts of ordinances in conflict herewith, to the extent of such conflict only, are hereby repealed.

SECTION 4. SEVERABILITY CLAUSE. It shall be considered that it is the intent of the City of Ashland, in enacting this ordinance, that if any part of it be held unconstitutional the remaining parts shall remain in force, unless the ordinance provides otherwise, or unless the remaining parts are so essentially and inseparably connected with and dependent upon the unconstitutional part that it is apparent that the City would not have enacted the remaining parts without the unconstitutional part, or unless the remaining parts, standing alone, are incomplete and incapable of being executed in accordance with the intent of the City of Ashland.

SECTION 5. This ordinance shall be in full force and effect from and after its adoption, readoption and publication, as required by law.

SECTION 6. It is hereby authorized that publication of this ordinance be in summary form.

/s/A. R. DUNNIGAN
MAYOR

ATTEST:

/s/DEBORAH D. MUSSER
CITY CLERK

ADOPTED BY THE BOARD OF COMMISSIONERS: April 2, 1998
READOPTED BY THE BOARD OF COMMISSIONERS: April 16, 1998
PUBLISHED:

MOTION:

Motion was made by Stewart, seconded by Reeves, to adopt Ordinance No. 40, 1998, at this its second reading. Upon roll call, voting aye were Commissioners Berry, Reeves, Gunderson, Stewart and Mayor Dunnigan. Nay - none. Motion passed.

BE IT ORDAINED BY THE CITY OF ASHLAND, KENTUCKY:
REGULAR MEETING APRIL 16, 1998
ORDINANCE NO. 41, 1998 CONTINUED

SECTION 1. That Section 2 of Ordinance No. 88, series of 1997, being an ordinance entitled, "AN ORDINANCE OF THE CITY OF ASHLAND, KENTUCKY, APPROVING AND ADOPTING THE 1997-1998 BUDGET AND APPROPRIATING REVENUES ON HAND AND TO BE RECEIVED DURING THE YEAR 1997-1998 FOR THE PAYMENT OF EXPENSES OF THE CITY OF ASHLAND FOR THE TWELVE-MONTH PERIOD BEGINNING JULY 1, 1997 AND ENDING JUNE 30, 1998 AND REPEALING ALL ORDINANCES AND PARTS OF ORDINANCES IN CONFLICT HEREWITH," which is commonly known and referred to as the "Budget Ordinance" be and said section is hereby amended as follows, such amendments shown by underscoring all newly inserted language and by a single broken line through all deleted language:

SECTION 2. That the following appropriations be and the same are hereby made from revenues on hand and to be received during the year 1997-1998 by the City of Ashland, Kentucky:

FROM GENERAL FUND

FOR:	
DEPARTMENT OF GENERAL GOVERNMENT	\$3,403,074
DEPARTMENT OF FINANCE	314,310
DEPARTMENT OF PUBLIC WORKS	3,123,489
DEPARTMENT OF PLANNING AND COMMUNITY DEVELOPMENT	176,587
DEPARTMENT OF POLICE	2,691,146
DEPARTMENT OF FIRE	2,805,139
DEPARTMENT OF ENGINEERING	133,863
 TOTAL FROM GENERAL FUND	 \$12,644,608

FROM UTILITY FUND

FOR:	
DEPARTMENT OF UTILITY ADMINISTRATION	\$3,977,652
DEPARTMENT OF WATER SERVICES	2,621,922
DEPARTMENT OF SEWER SERVICES	1,831,484
 TOTAL FROM UTILITY FUND	 \$ 8,431,058

FROM FLOODWALL OPERATING FUND

FOR:	
DIVISION OF FLOODWALL MAINTENANCE	\$173,750

FROM ASHLAND BUS SYSTEM

FOR:	
DIVISION OF MASS TRANSIT	\$552,505

REGULAR MEETING APRIL 16, 1998
ORDINANCE NO. 41, 1998 CONTINUED

FROM COMMUNITY DEVELOPMENT BLOCK GRANT FUND

FOR:	
DIVISION OF GENERAL COMMUNITY DEVELOPMENT	\$109,338
	<u>\$ 99,338</u>
DIVISION OF HOUSING DEVELOPMENT	571,038
	<u>578,038</u>
DIVISION OF NEIGHBORHOOD DEVELOPMENT	1,144,344
	<u>1,147,344</u>
 TOTAL FROM COMMUNITY DEVELOPMENT BLOCK GRANT FUND	 \$1,824,720 <u>\$1,824,720</u>

FROM HOUSING ASSISTANCE PROGRAM FUND

FOR:	
DIVISION OF SECTION 8 EXISTING	\$2,281,152
DIVISION OF MODERATE REHAB 002	82,171
DIVISION OF SECTION 8 VOUCHER PROGRAM	175,677
 TOTAL FROM HAP FUND	 \$2,539,000

FROM MUNICIPAL AID PROGRAM FUND

FOR:	
DEPARTMENT OF MUNICIPAL AID PROGRAM	\$415,250

FROM CAPITAL PURCHASE/IMPROVEMENT FUND

FOR:	
DEPARTMENT OF GENERAL GOVERNMENT	\$21,000
DEPARTMENT OF FINANCE	153,500
DEPARTMENT OF PUBLIC WORKS	310,439
DEPARTMENT OF PLANNING & COMMUNITY DEVELOPMENT	3,800
DEPARTMENT OF POLICE	57,330
DEPARTMENT OF FIRE	305,000

TOTAL FROM CAPITAL PURCHASE/IMPROVEMENT FUND \$ 851,069

FROM PLANNING AND CDBG GRANTS FUND

FOR:	
DIVISION OF PLANNING & COMMUNITY DEVELOPMENT GRANTS	 \$1,136,654

REGULAR MEETING APRIL 16, 1998
ORDINANCE NO. 41, 1998 CONTINUED

SECTION 4. This ordinance shall be in full force and effect from and after its adoption, readoption and publication, as required by law.

/s/A. R. DUNNIGAN
MAYOR

ATTEST:

/s/DEBORAH D. MUSSER
CITY CLERK

ADOPTED BY THE BOARD OF COMMISSIONERS: April 2, 1998
READOPTED BY THE BOARD OF COMMISSIONERS: April 16, 1998
PUBLISHED:

MOTION:

Motion was made by Stewart, seconded by Reeves, to adopt Ordinance No. 41, 1998, at this its second reading. Upon roll call, voting aye were Commissioners Berry, Reeves, Gunderson, Stewart and Mayor Dunnigan. Nay - none. Motion passed.

RESOLUTION NO. 11, 1998

A RESOLUTION OF THE CITY OF ASHLAND, KENTUCKY, ADOPTING, AUTHORIZING AND APPROVING THE COURSE OF ACTION RECOMMENDED BY THE CITY MANAGER ON THE ITEMS APPEARING ON THE CONSENT AGENDA FOR THE REGULAR MEETING OF THE BOARD OF CITY COMMISSIONERS OF **APRIL 16, 1998.**

* * * * *

BE IT RESOLVED BY THE CITY OF ASHLAND, KENTUCKY:

SECTION 1. The Board of City Commissioners hereby adopts, authorizes and approves the action recommended by the City Manager on each item appearing on the "Consent Agenda" for the meeting of **April 16, 1998.** Attached hereto and incorporated herein, as if set out in full, is a copy of the "Consent Agenda" hereby adopted, authorized and approved.

SECTION 2. This resolution shall be in full force and effect from and after its adoption, as required by law.

/s/A. R. DUNNIGAN
MAYOR

ATTEST:

/s/DEBORAH D. MUSSER
CITY CLERK

REGULAR MEETING APRIL 16, 1998
ORDINANCE NO. 42, 1998

ORDINANCE NO. 42, 1998

EMERGENCY

AN ORDINANCE OF THE CITY OF ASHLAND,
CLAUSE KENTUCKY,
AUTHORIZING AND DIRECTING **FIRST**
A. R. DUNNIGAN, MAYOR, TO SUBMIT
A **AND** GRANT
APPLICATION TO THE KENTUCKY **SECOND**
HOUSING CORPORATION IN THE
AMOUNT OF **READING** \$90,000
UNDER THE EMERGENCY SHELTER **AND**
GRANT PROGRAM; TO BE
DISTRIBUTED TO **FINAL** PATHWAYS,
INC., THE SHELTER OF HOPE, **ADOPTION**
INC., THE SAFE HARBOR SPOUSE
ABUSE CENTER AND COMMUNITY
ASSISTANCE REFERRAL SERVICE/YWCA AND
DECLARING AN EMERGENCY TO EXIST TO
ALLOW TWO READINGS OF THIS ORDINANCE
ON THE SAME DAY.

* * * *

WHEREAS, the Kentucky Housing Corporation, has made available funds
under an Emergency Shelter Grants Program;

NOW, THEREFORE, BE IT ORDAINED BY THE CITY OF ASHLAND,
KENTUCKY:

SECTION 1. That A. R. Dunnigan, Mayor of the City of Ashland, Kentucky,
is hereby authorized and directed to execute and submit on behalf of said City a grant
application to the Kentucky Housing Corporation in the amount of \$90,000 under the
Emergency Shelter Grant Program; to be distributed to Pathways, Inc., Shelter of Hope, Inc.
and the Safe Harbor, Inc. and Community Assistance Referral Service/YWCA. A true copy
of said grant application is attached hereto and made a part hereof by reference.

SECTION 2. That A. R. Dunnigan, Mayor of the City of Ashland, Kentucky,
is hereby authorized and directed to execute any and all other documents relating to said
grant.

SECTION 3. Due to the need to meet a deadline on April 17, 1998 and the
Board of Commissioners is not scheduled to hold another regular meeting until May 7, 1998,
an emergency is hereby declared to exist and the rules requiring this ordinance to be read on
two separate days are hereby suspended.

SECTION 4. All ordinances and parts of ordinances in conflict herewith, to
the extent of such conflicts only, are hereby repealed.

SECTION 5. This ordinance shall be in full force and effect from and after
its adoption and readoption as provided in Section 3, and shall later be published, as required
by law.

SECTION 6. It is hereby authorized that publication of this ordinance be in
summary form.

MOTION:

Motion was made by Stewart, seconded by Reeves, to adopt Ordinance No. _____, 1998, at this its first reading. Upon roll call, voting aye were Commissioners Berry, Reeves, Gunderson, Stewart and Mayor Dunnigan. Nay - none. Motion passed.

REGULAR MEETING APRIL 16, 1998

ORDINANCE NO. 42, 1998 CONTINUED

SUSPENSION OF RULES:

Motion was made by Stewart, seconded by Reeves, to suspend the rules requiring this ordinance to be read on two separate days. Upon roll call, voting aye were Commissioners Berry, Reeves, Gunderson, Stewart and Mayor Dunnigan. Nay - none. Motion passed.

READOPTION:

Motion was made by Reeves, seconded by Stewart, to adopt Ordinance No. 42, 1998, at this its second reading. Upon roll call, voting aye were Commissioners Berry, Reeves, Gunderson, Stewart and Mayor Dunnigan. Nay - none. Motion passed.

ORDINANCE NO. _____, 1998

FIRST AN ORDINANCE OF THE CITY OF ASHLAND, READING

KENTUCKY, AUTHORIZING AND DIRECTING
A. R. AND DUNNIGAN, MAYOR, TO
EXECUTE AN AGREEMENT ADOPTION WITH
HERITAGE BANK REGARDING PLACEMENT OF
ONLY A SIGN AT 735 CENTRAL AVENUE ON THE
CITY'S RIGHT-OF-WAY.

MOTION:

Motion was made by Stewart, seconded by Gunderson, to adopt Ordinance No. _____, 1998 at this its first reading. Upon roll call, voting aye were Commissioners Berry, Reeves, Gunderson, Stewart and Mayor Dunnigan. Nay - none. Motion passed.

ORDINANCE NO. _____, 1998

FIRST AN ORDINANCE OF THE CITY OF ASHLAND, READING

KENTUCKY, AUTHORIZING AND DIRECTING
A. R. AND DUNNIGAN, MAYOR, TO SUBMIT
THE 1998 ACTION ADOPTION PLAN IN THE SUM
OF \$855,000 FOR A COMMUNITY ONLY
DEVELOPMENT BLOCK GRANT TO THE U.S.
DEPARTMENT OF HOUSING AND URBAN
DEVELOPMENT (HUD), AND UPON ACCEPTANCE OF
SAID APPLICATION FROM HUD, TO EXECUTE ON
BEHALF OF THE CITY OF ASHLAND, AN
AGREEMENT WITH THE U. S. DEPARTMENT OF
HOUSING AND URBAN DEVELOPMENT TO ENABLE
THE CITY TO UNDERTAKE THESE ACTIVITIES
AND/OR ANY AND ALL DOCUMENTS ASSOCIATED

KENTUCKY, PROHIBITING PARKING ON THE NORTH AND SIDE OF LEXINGTON AVENUE FROM 14TH STREET ADOPTION WEST TO THE ALLEY AND PROVIDING A PENALTY ONLY FOR THE VIOLATION OF THIS ORDINANCE.

REGULAR MEETING APRIL 16, 1998
ORDINANCE NO. _____, 1998 CONTINUED

MOTION:

Motion was made by Stewart, seconded by Reeves, to adopt Ordinance No. _____, 1998 at this its first reading. Upon roll call, voting aye were Commissioners Berry, Reeves, Gunderson, Stewart and Mayor Dunnigan. Nay - none. Motion passed.

ORDINANCE NO. _____, 1998

FIRST AN ORDINANCE OF THE CITY OF ASHLAND, **READING**
KENTUCKY, AUTHORIZING A. R. DUNNIGAN,
AND MAYOR, TO EXECUTE A DEED
BETWEEN THE CITY **ADOPTION** OF ASHLAND
AND DANA JOHNSON AND JILL **ONLY** JOHNSON, HIS
WIFE, CONVEYING CERTAIN REAL ESTATE
ADJOINING LOT 38 OF THE FOREST HILLS
SUBDIVISION NO. 5 TO THE CITY OF ASHLAND.

MOTION:

Motion was made by Stewart, seconded by Reeves, to adopt Ordinance No. _____, 1998 at this its first reading. Upon roll call, voting aye were Commissioners Berry, Reeves, Gunderson, Stewart and Mayor Dunnigan. Nay - none. Motion passed.

ORDINANCE NO. _____, 1998

FIRST AN ORDINANCE OF THE CITY OF ASHLAND, **READING**
KENTUCKY, AUTHORIZING A. R. DUNNIGAN,
AND MAYOR, TO EXECUTE A DEED
BETWEEN THE CITY **ADOPTION** OF ASHLAND
AND DANA JOHNSON AND JILL **ONLY** JOHNSON, HIS
WIFE, CONVEYING LOTS 39, 40 AND 41 OF FOREST
HILLS SUBDIVISION NO. 5 TO THE JOHNSONS.

MOTION:

Motion was made by Stewart, seconded by Reeves, to adopt Ordinance No. _____, 1998 at this its first reading. Upon roll call, voting aye were Commissioners Berry, Reeves, Gunderson, Stewart and Mayor Dunnigan. Nay - none. Motion passed.

RESOLUTION NO. 12, 1998

two tracts of land in the East Central Avenue area;

NOW, THEREFORE, BE IT RESOLVED BY THE CITY OF ASHLAND, KENTUCKY:

SECTION 1. That the Corporation Counsel is hereby authorized and directed to institute an action in Boyd Circuit Court to condemn two tracts of land in the East Central Avenue area owned by the Harry King Lowman estate to be paid for with CDBG funds.

SECTION 2. This resolution shall be in full force and effect from and after its adoption, as required by law.

REGULAR MEETING APRIL 16, 1998
RESOLUTION NO. 12, 1998 CONTINUED

/s/A. R. DUNNIGAN
MAYOR

ATTEST:

/s/DEBORAH D. MUSSER
CITY CLERK

ADOPTED BY THE BOARD OF COMMISSIONERS: April 16, 1998

MOTION:

Motion was made by Reeves, seconded by Stewart, to adopt Resolution No. 12, 1998. Upon roll call, voting aye were Commissioners Berry, Reeves, Gunderson, Stewart and Mayor Dunnigan. Nay - none. Motion passed.

DISCUSSION ITEMS

Discussion and possible action on acquisition of 103 acre parcel of property - Motion was made by Stewart, seconded by Reeves, to buy property at the negotiated price of \$1,500 per acre using CDBG funds. Upon roll call, voting aye were Commissioners Reeves, Gunderson, Stewart and Mayor Dunnigan. Nay - Commissioner Berry. Motion passed.

Request for limited use of right-of-way by Ashland School of Beauty Culture at 1653 Greenup Avenue - Motion was made by Stewart, seconded by Reeves, authorizing the preparation of an ordinance. Upon roll call, voting aye were Commissioners Berry, Reeves, Gunderson, Stewart and Mayor Dunnigan. Nay - none. Motion passed.

APPOINTMENTS:

Motion was made by Reeves, seconded by Berry, approving the Mayor's appointment of James Stapleton to the Tri-State Airport Board for a three year term beginning February 11, 1998 and continuing through February 11, 2001. Upon roll call, voting aye were Commissioners Berry, Reeves, Gunderson, Stewart and Mayor Dunnigan. Nay - none. Motion passed.

RESOLUTION NO. 13, 1998

A RESOLUTION OF THE CITY OF ASHLAND,
KENTUCKY REQUESTING THAT THE KENTUCKY
ECONOMIC DEVELOPMENT FINANCE AUTHORITY

currently refund the Kentucky Economic Development Finance Authority Medical Center Revenue Refunding and Improvement Bonds (Ashland Hospital Corporation, d/b/a King's Daughter's Medical Center Project) Series 1987 and 1993A and improve its facilities located at 2201 Lexington Avenue in Ashland, Kentucky.

REGULAR MEETING APRIL 16, 1998
RESOLUTION NO. 13, 1998 CONTINUED

WHEREAS, the Medical Center has requested the Kentucky Economic Development Finance Authority (the "Authority") to issue its medical center revenue refunding and improvement bonds pursuant to KRS 103.200 through 103.285, 154.10-035(2) and 154.20-035(1) (the "Act") in the approximate amount of Sixty Million and no/100 Dollars (\$60,000,000.00) in order to finance current refunding of all or a portion of the Kentucky Economic Development Finance Authority Medical Center Revenue Refunding and Improvement Bonds (Ashland Hospital Corporation, d/b/a King's Daughters' Medical Center Project) Series 1987 and 1993A and for approximately \$30,870,000 for improvement of the facilities described above, and it is the purpose of the City of Ashland to assist the Medical Center in carrying out the proposed financing in order to increase employment opportunities in this area and to provide for the economic development of this area in accordance with the public purposes of the Act; and

WHEREAS, it is provided in Section 103.210 of the Act that the Authority may issue such medical center revenue refunding and improvement bonds if requested by the legislative body of the City or County in which a project (or a portion thereof) is to be located;

NOW, THEREFORE, BE IT RESOLVED BY THE CITY OF ASHLAND, KENTUCKY, AS FOLLOWS:

SECTION 1. The recitations set out in the foregoing preamble are adapted and incorporated as a part of this Resolution. Terms defined in the foregoing preamble have the same meaning when used herein.

SECTION 2. Pursuant to the provisions of Section 103.210 of the Act, the City of Ashland hereby formally requests the Authority to proceed with the issuance of medical center revenue refunding and improvement bonds, for the benefit of the Medical Center, in order to finance the current refunding of the Kentucky Economic Development Finance Authority Medical Center Revenue Refunding and Improvement Bonds (Ashland Hospital Corporation, d/b/a King's Daughters' Medical Center Project) Series 1987 and 1993B and improvements to the facilities described hereinabove. The Mayor of the City of Ashland is hereby authorized and directed to submit a copy of this Resolution to the Authority as the City's official request in accordance with Section 103.210 of the Act.

SECTION 3. The adoption of this Resolution and any other action taken by the City of Ashland in connection with the described financing of the project shall not be deemed to, and shall not, impose any financial liability or responsibility whatsoever upon the City.

SECTION 4. This resolution shall be in full force and effect from and after its adoption, as required by law.

/s/A. R. DUNNIGAN
MAYOR

Dunnigan. Nay - none. Motion passed.

REGULAR MEETING APRIL 16, 1998
ADJOURNMENT

ADJOURNMENT:

Mayor Dunnigan declared the meeting adjourned at 8:05 PM.

A. R. DUNNIGAN, MAYOR

ATTEST:

DEBORAH D. MUSSER
CITY CLERK